

in this body. This is not the way to do it. We can do it better. It is also in the interest of the American economy for Congress to keep its political hands, if you will, out of monetary policy decisionmaking.

If Republicans were serious about making the Fed work better, they would confirm the two pending nominees to the Board of Governors—a Republican community banker named Al Landon, who has been waiting for a nomination hearing for a year, and Kathryn Dominguez, a Democratic nominee, who has been waiting for nearly 6 months. Yet, instead of working to improve the Fed's operations, we are considering this bill to undermine it. It is a big mistake that most people I know who have any expertise in the Federal Reserve reject. I ask my colleagues to vote no.

The PRESIDING OFFICER. The Republican whip.

#### THE PRESIDENT'S STATE OF THE UNION ADDRESS

Mr. CORNYN. Mr. President, tonight the President of the United States will offer his last State of the Union speech and one that I know we will all be listening carefully to. I couldn't help but reflect on the first speech he gave to a joint session of Congress back in 2009, shortly after his inauguration. It was a hopeful speech, it was an optimistic speech—one that appealed to the better angels of Republicans and Democrats and the whole Nation alike. He said we needed to pull together and boldly confront the challenges we face, but somewhere along the way he seems to have forgotten the benefit of finding common ground where folks can agree. It seems we have seen the Obama administration more involved in dividing the American people when facing opposition and then preferring to go it alone rather than to work with Congress under the constitutional scheme created by our Founding Fathers.

Tonight in his final address on his priorities as President, I am sure President Obama will want to talk about what his legacy looks like once he leaves office, and that will invariably include times when he has simply done an end run around Congress. We have seen it time and time again. It is a mistake. It is shortsighted, but it is his method of governing and presumably being able to tell people: Well, I have gotten my way and I haven't had to do the hard work of working with people of different points of view to find the areas where we agree.

I have said it before, but I think it is worth noting the comment by the senior Senator from Wyoming, when I said to him: You are on Health, Education, Labor, and Pensions with Teddy Kennedy, the liberal lion of the Senate, whom I served with for a while before he unfortunately passed away. How is it that you are able to work with somebody whose world view is so opposite from yours and you are still able to ac-

tually get things done? To this he replied: It is simple. It is the 80-20 rule. We look at the 80 percent of things we can agree upon, and we do those and forget the 20 percent we can't agree on.

I fear that our country and the Congress has become a Congress that looks at the 20 percent we can't agree on and as a result can't do the 80 percent that we do agree on because we disagree on the 20 percent, and that is a mistake. It is also not the scheme of government that was created by America and our Constitution, and it would be a mistake to do nothing because we can't agree on the 20 percent when we can agree on the 80 percent.

I know there are some areas where we are going to have a fundamental disagreement, and we are going to continue to fight and oppose each other's points of view, but I have been around here long enough to know that there are people of goodwill on both sides of the aisle, some of whom I disagree with strenuously, but by working together, we can find ways to solve problems and help move the country's agenda forward. But somewhere along the way, the President forgot that, and so I suspect he will be talking about some of his Executive orders, which have been a terrible mistake.

First of all, on his Executive order for immigration, there was a lawsuit. A Federal judge issued an injunction, which has been upheld so far. It bars implementation of his Executive order. So what did the President accomplish other than to enrage and polarize people and poison the well when it comes to actually trying to begin the process of solving and fixing some of our broken immigration system? The President has poisoned the well and made it virtually impossible for us to work with him on solving or fixing our broken immigration system because of what? Because of an Executive order that was subsequently enjoined by a Federal court. So he wasn't able to accomplish his goal, but he was able to kill meaningful immigration reform debate in the Senate.

Of course, as we have on the Iranian nuclear negotiation, the President seems content not to engage in a treaty process, which is actually binding on his successor. It is simply a political document which is not even in writing. It tries to freeze out the American people, whom we represent, and the sort of educational and consensus-building process that is good for our country. I mean, that is how we have become unified as a country—by looking at the things we can work together on and not just focusing on our differences. If we are just going to focus on our differences, we are never going to get anything done. There are some people who may be OK with that, but, frankly, I think the American people voted for Republicans and a new leadership in the last election not because they didn't want to get anything done, but because they wanted to give us the responsibility for setting the agenda and

doing the things that were their priorities, which doesn't entail doing nothing. That entails doing those things that reflect the priorities of the American people and by working together where we can.

Nobody here is a dictator, not even the President of the United States. It is shortsighted. It is a mistake, and it is in contravention of the whole constitutional framework that was set up 230-something years ago.

We saw it most recently on the President's announcement on gun issues where he, again, ignored Congress and said: Well, I am going to do it my way. Maybe he is impatient. Maybe he doesn't believe in consensus building. Maybe he just doesn't like his job very much. Sometimes I think that is true. Temperamentally, I think the President may not be suited for the kind of consensus building and legislative process that is necessary to actually get important things done.

I was thinking, as we were celebrating the 50th anniversary of the Civil Rights Act a short time back, do you actually think we could do something like that, given this polarized political environment and a President unwilling to work with Congress? I would say Lyndon Baines Johnson was a lot of things, but he knew how to get things done. He was the antithesis of this President when it came to rolling up his sleeves and working with Congress and people with different points of view and actually trying to find the possible and the doable—not to focus on failure but to focus on where we can make progress.

Unfortunately, as a result, I think the President's legacy is going to be discussed in a way that he probably isn't going to fully appreciate.

I was reading the Wall Street Journal this morning and was reminded of how his political legacy will be remembered. Since President Obama took office, his party has lost 13 Senate seats, 69 House seats, 910 State legislative seats, and has lost majority party status in 30 State legislatures. Those are amazing statistics, given that the President came out of the starting gate so strong. Unfortunately, he used his political capital by passing legislation like ObamaCare with just Democratic votes. That is not a way to build durable or sustainable policy or to build consensus. That is a way of jamming it down the throat of the minority party and then saying: Well, you are just going to have to live with it. Well, that is not the case.

As we reflected on the recent vote we had on appealing ObamaCare, which the President vetoed, we have the political will and votes to change that ill-considered and misguided health care law and to replace it with something that makes more sense, is more affordable, and suits the needs of individual Americans. What we do need is a new President, and I think we have demonstrated that.

If you look at item after item and our struggling economy—after the terrible events of 2008, I admit the President had a tough hand because America's economy cratered, and we went into a recession. Typically what economists will tell us—and I take some of my economic advice from former Senator Phil Gramm who is a Ph.D. economist. He wrote in the *Wall Street Journal*, or maybe it was the *Washington Post*, that following recessions, typically what you have is a v-shaped bounce of the economy. But what we have had under this President's policy—because of overregulation and political uncertainty, just because of his unwillingness to work to build consensus to get things done, we have seen an economy struggling to recover with stagnant wages and slow economic growth.

Then there is the issue of foreign policy. I just had the privilege of meeting with a group of people, including the King of Jordan, where we talked about the battle against the Islamic State and Syria, which is right outside the King's back door, and the work they have been doing with us to try and deal with the Russians that are taking advantage of the chaos. There is a lack of a master strategy or plan to deal with this threat. It is not just a threat over there, as we have learned; it is a threat over here because of the use of social media and the ability to radicalize people who live in the United States and convince them to commit acts of violence right here in our country. So we have a mess in Syria and no real strategy to fight ISIL.

I mentioned ObamaCare just a few moments ago because I can't help but remember when the President was selling ObamaCare and jammed it through on a purely partisan vote. I remember he said: If you like what you have, you can keep it. Well, that was not true. I was a former attorney general in Texas. We had a consumer protection division that sued people for consumer fraud. When people are lied to about what it is they are going to get in exchange for their hard-earned money and they don't get it because they have been deceived, that usually ends up in court, and you end up getting sued. Well, we know that premiums didn't come down an average of \$2,500 for a family of four. Instead, they skyrocketed. And we have been reading stories in the press which show that a lot of younger people who need to be part of the pool in order to keep rates down—because, frankly, you need young, healthy people as part of that insurance pool to hold down rates for the whole country—didn't buy it because they don't think it suits their needs, and it is it too expensive. They are being forced to buy coverage that they can't use.

I say all of this because I think in some ways the President has squandered his mandate when he was elected. I remember in 2008 when the President talked about hope and change. I wasn't

quite sure what he meant, but we all agree that hope is a good thing, and frequently change is a good thing. We were hopeful for the new President—the first African-American President elected in American history. It was a very positive thing for so many of us. It represented a huge transition for a country that unfortunately committed the original sin of treating African-Americans as less than fully human, and we paid a terrible price for it, and we continue to pay a terrible price. But I was hopeful, like many others were, that he would actually use his position as President to bring people together and work with us.

I will tell you that I am an optimistic person, and so despite the last 7 years, I hope the President talks tonight about what he plans to do in his last year in office. He still has one full year left in his two terms, or 8 years, in office. He has a choice to make, just as we all have choices to make. The President can decide to double down on his go-it-alone strategy, which has proved to be a disaster. It doesn't work. It is not enduring, and it polarizes the political parties and the American people. I think, actually, the way this President has chosen to govern is more responsible for the polarization we see among the American people when it comes to politics and some of the sorts of craziness of our current political process, which we all talk about privately. I think he is actually largely responsible for that—maybe not entirely, but largely.

The President can decide whether he actually wants to do something during his last year in office. He can actually want to try to work with Congress.

I will suggest an area where we can find common ground and work together, and that is by reforming our criminal justice system. Actually, I have been involved for several years, as have many Members on the Democratic and Republican side, on looking at our criminal justice system and saying: How can we do better?

For example, for too long we have treated our prison system at the State and Federal levels as a warehouse for people, and we have forgotten some of the basic tenets of the goals of the criminal justice system, which is to rehabilitate people. You can't rehabilitate everybody. You have to have a willing heart, and you have to have people willing to change and take advantage of an opportunity to turn their lives around. There are people like that, and we have demonstrated that in many of our State penal systems, such as Texas, where we have seen that if you provide the right incentives, people will take advantage of opportunities to turn their lives around and deal with their addictions, lack of education, and lack of skills so they no longer have to live a life—as one person in Houston told me. He called himself a frequent flier in the criminal justice system. Every time he got out, he ended up coming back, until he finally

took advantage of the opportunity to turn his life around. So we do have legislation that passed out of the Senate Judiciary Committee 15 to 5.

There are some things we still need to continue to work on with our colleagues. But I think it represents a great opportunity—something the President himself has said he wants to see us do—and I think it could be a genuine legacy item for him and something that offers hope to people without much hope. It is also good for the taxpayers. We have actually been able to shutter three different penitentiaries in Texas and save the taxpayers billions of dollars, so it strikes me that it is a win across the board. So I think reforming our criminal justice system is a great opportunity.

I also believe, as I mentioned yesterday when I spoke on the floor, that addressing our broken mental health system is another area that we could deal with productively on a bipartisan basis and that could be a legacy of this President and certainly of this Congress.

We know our mental health delivery system is broken. All we have to do is look at people living on our streets, homeless people. These people frequent our emergency rooms because they have various medical conditions, but because of their mental illness, they never get the treatment they need, so they go in and out of that turnstile.

We also know that some people tragically become a danger not only to themselves but to their loved ones and the communities where they live. I know it is a simple fact borne out by public opinion polls that most people understand that some of the acts—not all but some of the acts—in fact, public opinion in the polling I have seen said that 70 percent of respondents in public opinion polls said that mental illness is a factor in incidents of mass violence, including shootings in places such as Sandy Hook; Aurora, CO; Charleston; and others. We can name those incidents and those tragic circumstances, but until we get serious about working together to try to improve access to mental health services and give families the additional tools they need in order to get their loved ones compliant with their doctor's orders and their medication, we are never going to be able to make progress in this area.

I think about Adam Lanza, the shooter at Sandy Hook, who stole his mother's own gun, killed her with it, and then went on to that elementary school and killed those poor, innocent children—a horrific tragedy. But Adam Lanza's mother knew he was sick. She knew he was basically living downstairs and descending into his mental illness and getting sicker and sicker. She didn't have much in the way of options, so she tried to find common ground with him and work with him, but obviously that wasn't enough to overcome his mental illness. If we could just do some simple things, such as provide outpatient, court-ordered

mental health treatment—that is something that is included in a piece of legislation on which we will be having a hearing in the Senate Judiciary Committee. That will provide families additional tools other than involuntary commitment, which is just temporary and doesn't serve the long-term problems.

One of the biggest problems, I have learned, with our mental health system is that so often people who need treatment refuse treatment. In other words, frequently they don't take their medication. As long as it is purely a voluntary matter, particularly for people who are a threat to their own safety as well as the community's safety, then we are going to continue to see repetitions of this and more and more tragedies, more families torn apart by mental illness, when we could actually offer them some help and some hope.

There is a gentleman named Pete Earley who is an award-winning journalist who wrote a book called "Crazy." This is not about his son, although his son did suffer from mental illness; this is about our broken mental health system. He called it "Crazy." He wrote a book, which I would commend to anybody, about his own family's experience dealing with a mentally ill son and how hard it was to get him to comply with his doctor's orders and take his medication and the like.

I hope Pete Earley will come testify in front of the Senate Judiciary Committee later this month, along with some really innovative programs like those in San Antonio, TX, where they found a way to not just warehouse the mentally ill in our jails but to actually divert them for treatment and to get them in a better place and out of this turnstile of the criminal justice system.

So those are just a couple of ideas about what this President could do, and I hope they are areas he will perhaps address tonight that he would be willing to work with us on: criminal justice reform and mental health reform. I think if he were willing to do that, he would find Republicans and Democrats alike willing to work with him to try to build that common-ground consensus, and actually that would be one of the lasting legacies of his final year of his administration.

I yield the floor.

The PRESIDING OFFICER (Mr. DAINES). The Senator from Iowa.

Mrs. ERNST. Mr. President, I ask unanimous consent to speak for up to 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SCRUB ACT

Mrs. ERNST. Mr. President, I rise today to talk about the Searching for and Cutting Regulations that are Unnecessarily Burdensome Act—more affectionately known as the SCRUB Act. This past summer, my colleague Senator HATCH and I introduced this legis-

lation to help free American families and small businesses from the unnecessary burdens of our regulatory system. I am pleased to mention that the bill passed the House last week on a bipartisan basis.

For too long, our Nation's innovators and employers have been trying to comply with a swath of outdated, duplicative, or obsolete regulations that hamper their growth and creativity. Many of these regulations also come with stacks of paperwork requirements that force our small businesses to spend time on filling in the blanks rather than filling in jobs. The SCRUB Act would peel back these types of regulations so our businesses can focus on doing what they know best: innovating and creating jobs.

The purpose of this bill is to take an objective and in-depth look at major regulations that are at least 15 years old and could be repealed because they have, No. 1, achieved their goal and there is no threat to the problem reoccurring; No. 2, technology or market changes have made the regulation unnecessary; or No. 3, they are ineffective or overlap with other Federal or State regulations.

For decades, lawmakers and Presidents on both sides of the aisle have recognized the need to unleash our small businesses and job creators from rules and regulations that don't make sense. When new rules are proposed, there is very little, if any, attention paid to how the new rule will work with the hundreds of other rules that came before it. This buildup of rules is a cumulative burden on our businesses which ultimately slows job growth and hits families even harder who are already struggling to make ends meet. In fact, according to one study, if the cost of all of these regulations was considered in an independent country—all of the costs of these rules and regulations—it would be about the 10th largest economy in the world.

Let's face it: The more expensive it becomes to make a product or deliver a service, the more money the consumer will have to dig out of their own pockets to pay for it. It is those families who are working multiple jobs to provide for their kids who are going to be hit the hardest.

This bill is how we start to solve that problem. The SCRUB Act establishes a bipartisan, blue ribbon commission to give a fair and thoughtful review of our Nation's existing regulations. Once the commission is finished with their review, they would provide recommendations to Congress and we would have an opportunity to vote on them.

If an agency wants to impose a new regulation, they can do that under the SCRUB Act, but they would have to offset the cost of that new regulation by repealing an existing one that is of equal cost and has been deemed unnecessary or outdated by the commission.

I know Iowa families do this. They know how to prioritize. Why can't our Federal agencies? We simply cannot

allow the buildup of unnecessary and costly regulations over time.

I will end with just one last comment. Rules and regulations often have unintended consequences. It is our responsibility as lawmakers to not only recognize when this happens but to then proactively fix it.

The SCRUB Act is a commonsense solution that forces lawmakers and our agencies to be honest about their regulatory system by fixing the rules that need fixing and dropping those that have outlived their useful purpose.

I thank Senator HATCH for his leadership on this, and I urge all of my colleagues to support this legislation.

#### RECESS

Mrs. ERNST. Mr. President, I ask unanimous consent that the Senate stand in recess as under the previous order.

There being no objection, the Senate, at 12:27 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### FEDERAL RESERVE TRANSPARENCY ACT OF 2015—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2232, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 289, S. 2232, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 2:30 p.m. will be equally divided between the two leaders or their designees.

The Senator from Kentucky.

Mr. PAUL. Mr. President, I rise today in opposition to secrecy. I rise today in support of auditing the Federal Reserve. I rise in opposition to the lack of accountability at the Reserve, an institution that has for too long been shrouded in secrecy. The objective of the Federal Reserve Transparency Act is simple: to protect the interests of the average American by finding out where hundreds of billions' worth of our dollars are going.

The Federal Reserve has the ability to create new money and to spend it on whatever financial assets it wants, whenever it wants, while giving the new money to whichever banks it wants. Yet if the average Joe and Jane from Main Street printed their own money, they would be imprisoned as counterfeiters.